

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.  
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.  
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

CASE NUMBER: 05-CV-0329-TCK-SJA

To: **Leslie A. Bennett individually**  
**9800 Highway 10,**  
**Tahlequah OK 74445**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

**PLAINTIFF ATTORNEY**

Douglas Allen Wilson  
 Melvin David Riggs  
 Richard T. Garren  
 Sharon K. Weaver  
 Riggs Abney Neal Turpen Orbison & Lewis  
 502 West 6<sup>th</sup> Street  
 Tulsa, OK 74119-1010

**DEFENDANT AND THIRD  
PARTY PLAINTIFFS  
ATTORNEYS:**

A. Scott McDaniel  
 Joyce, Paul & McDaniel PLLC  
 1717 South Boulder, Suite 200  
 Tulsa, OK 74119  
 For Peterson Farms

Robert W. George  
 Kutack Rock LLP  
 The Three Sisters Building  
 214 West Dickson Street  
 Fayetteville, AR 72701-5221  
 For Tyson Foods, Inc.

R. Thomas Lay  
 Kerr, Irvine, Rhodes & Ables  
 201 Robert S. Kerr Ave., Suite 600  
 Oklahoma City, OK 73102  
 For Willow Brook Foods, Inc.

Robert P. Redemann  
 Lawrence W. Zeringue  
 David C. Senger  
 Perrine, McGivern, Redemann, Reid,  
 Berry & Taylor, PLLC  
 P. O. Box 1710  
 Tulsa, OK 74101-1710  
 For Cal-Maine Foods, Inc.

George W. Owens  
 Randall E. Rose  
 The Owens Law Firm, P.C.  
 234 West 13<sup>th</sup> Street  
 Tulsa, OK 74119  
 For George's Inc.

John R. Elrod  
 Vicki Bronson  
 Conner & Winters, P.C.  
 100 West Center Street, Suite 200  
 Fayetteville, AR 72701  
 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

MAR 15 2006

Phil Lombardi

Clerk

Date



(By) DEPUTY CLERK

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	3-18-06
NAME OF SERVER (PRINT) <i>Lee Belmonte</i>	TITLE	<i>PROCESS SERVER</i>
Check one box below to indicate appropriate method of service		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input checked="" type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <i>ASTIN BERNETT</i></div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;"> <p>Executed on <u>3-18-06</u></p> <p style="text-align: center;">Date</p> </div> <div style="width: 60%;"> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">Signature of Server</p>    <p style="text-align: center;">_____ Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.